

brake system unless that train is equipped with a functioning ECP–EOT device designed and operated in accordance with this subpart. The ECP–EOT device must be properly connected to the network and to the train line cable at the rear of the train.

(c) A locomotive equipped with ECP brakes can be used in lieu of an ECP–EOT device, provided it is capable of

performing all of the functions of a functioning ECP–EOT device.

(d) *Exception.* A freight train operating in ECP brake mode is excepted from the end-of-train device requirements contained in subpart E of this part, provided that it is equipped with an ECP–EOT device complying with this section.

APPENDIX A TO PART 232—SCHEDULE OF CIVIL PENALTIES¹

Section	Violation	Willful violation
Subpart A—General		
232.15 Movement of power brake defects:		
(a) Improper movement, general	(¹)	(¹)
(1) Failure to make determinations and provide notification of en route defect	\$2,500	\$5,000
(b) Complete failure to tag	2,500	5,000
(1) Insufficient tag or record	1,000	2,000
(2), (4) Improper removal of tag	2,000	4,000
(3) Failure to retain record of tag	2,000	4,000
(c) Improper loading or purging	2,500	5,000
(e) Improper placement of defective equipment	2,500	5,000
232.19 Availability of records	(¹)	(¹)
Subpart B—General Requirements		
232.103 All train brake systems:		
(a)–(c), (h)–(i) Failure to meet general design requirements	2,500	5,000
(d) Failure to have proper percentage of operative brakes from Class I brake test	5,000	7,500
(e) Operating with less than 85 percent operative brakes	5,000	7,500
(f) Improper use of car with inoperative or ineffective brakes	2,500	5,000
(g) Improper display of piston travel	2,500	5,000
(m) Failure to stop train with excess air flow or gradient	2,500	5,000
(n) Securement of unattended equipment:		
(1) Failure to apply sufficient number of hand brakes; failure to develop or implement procedure to verify number applied	5,000	7,500
(2) Failure to initiate emergency	2,500	5,000
(3) Failure to apply hand brakes on locomotives	2,500	5,000
(4) Failure to adopt or comply with procedures for securing unattended locomotive	5,000	7,500
(o) Improper adjustment of air regulating devices	2,500	5,000
(p) Failure to hold supervisors jointly responsible	2,500	5,000
232.105 Locomotives:		
(a) Air brakes not in safe and suitable condition	1,000–5,000	2,000–7,500
(b) Not equipped with proper hand or parking brake	5,000	7,500
(c)(1) Failure to inspect/repair hand or parking brake	2,500	5,000
(2) Failure to properly stencil, tag, or record	2,000	4,000
(d) Excess leakage from equalizing reservoir	2,500	5,000
(e) Improper use of feed or regulating valve braking	2,500	5,000
(f) Improper use of passenger position	2,500	5,000
(g) Brakes in operative condition	2,500	5,000
232.107 Air sources/cold weather operations:		
(a)(1), (2) Failure to adopt or comply with monitoring program for yard air sources	5,000	7,500
(3) Failure to maintain records	2,500	5,000
(b) Failure to blow condensation	2,500	5,000
(c) Use of improper chemicals	5,000	7,500
(d) Failure to equip or drain yard air reservoirs	2,500	5,000
(e) Failure to adopt or comply cold weather operating procedures	5,000	7,500
232.109 Dynamic brakes:		
(a) Failure to provide information	5,000	7,500
(b) Failure to make repairs	5,000	7,500
(c) Failure to properly tag	2,500	5,000
(d) Failure to maintain record of repair	2,000	4,000
(e) Improper deactivation	2,500	5,000
(f) Improper use of locomotive as controlling unit	2,500	5,000
(g) Locomotive not properly equipped with indicator	2,500	5,000

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Section	Violation	Willful violation
(h) Rebuilt locomotive not properly equipped	2,500	5,000
(j) Failure to adopt or comply with dynamic brake operating rules	5,000	7,500
(k) Failure to adopt or comply with training on operating procedures	5,000	7,500
232.111 Train handling information:		
(a) Failure to adopt and comply with procedures	5,000	7,500
(b) Failure to provide specific information	2,500	5,000
Subpart C—Inspection and Testing Requirements		
232.203 Training requirements:		
(a) Failure to develop or adopt program	7,500	11,000
(b)(1)–(9) Failure to address or comply with specific required item or provision of program	5,000	7,500
(c) Failure to adopt or comply with two-way EOT program	5,000	7,500
(d) Failure to adopt or comply with retaining valve program	5,000	7,500
(e) Failure to maintain adequate records	5,000	7,500
(f) Failure to adopt and comply with periodic assessment plan	7,500	11,000
232.205 Class I brake test—initial terminal inspection:		
(a) Complete failure to perform inspection	(1) 10,000	15,000
(c)(1)–(4), (6)–(8) Partial failure to perform inspection	5,000	7,500
(c)(5) Failure to properly adjust piston travel (per car)	2,500	5,000
(d) Failure to use carman when required	5,000	7,500
(e) Failure to provide proper notification	2,500	5,000
(f) Failure to void compressed air	2,500	5,000
232.207 Class IA brake tests—1,000-mile inspection:		
(a) Complete failure to perform inspection	(1) 5,000	7,500
(b)(1)–(6) Partial failure to perform inspection	2,500	5,000
(c) Failure to properly designate location	5,000	7,500
(c)(1) Failure to perform at designated location	5,000	7,500
(c)(2) Failure to provide notification	2,500	5,000
232.209 Class II brake tests—intermediate inspection:		
(a) Complete failure to perform inspection	(1) 5,000	7,500
(b)(1)–(5), (c) Partial failure to perform inspection	2,500	5,000
(d) Failure to conduct Class I after Class II pick-up	(1)	(1)
232.211 Class III brake tests—trainline continuity inspection:		
(a) Complete failure to perform inspection	5,000	7,500
(b)(1)–(4), (c) Partial failure to perform inspection	2,500	5,000
(d) Failure to restore air pressure at rear	2,500	2,500
232.213 Extended haul trains:		
(a)(1) Failure to properly designate an extended haul train	5,000	7,500
(a)(2)–(3), (5)(i), (8) Failure to perform inspections	(1)	(1)
(a)(4) Failure to remove defective car (per car)	2,000	4,000
(a)(5)(ii), (6) Failure to conduct inbound inspection	5,000	7,500
(a)(7) Failure to maintain record of defects (per car)	2,000	4,000
(b) Improper movement or use of extended haul train	5,000	7,500
232.215 Transfer train brake tests:		
(a) Failure to perform inspection	5,000	7,500
(b) Failure to perform on cars added	2,500	5,000
232.217 Train brake system tests conducted using yard air:		
(a) Failure to use suitable device	2,500	5,000
(b) Improper connection of air test device	5,000	7,500
(c) Failure to properly perform inspection	(1)	(1)
(d) Failure to calibrate test device	2,500	5,000
(e) Failure to use accurate device	2,500	5,000
232.219 Double heading and helper service:		
(a) Failure to perform inspection or inability to control brakes	2,500	5,000
(b) Failure to make visual inspection	2,500	5,000
(c) Use of improper helper link device	2,500	5,000
Subpart D—Periodic Maintenance and Testing Requirements		
232.303 General requirements:		
(b)–(d) Failure to conduct inspection or test when car on repair track	2,500	5,000
(e) Improper movement of equipment for testing	2,500	5,000
(e)(1) Failure to properly tag equipment for movement	2,000	5,000
(e)(2)–(4) Failure to retain record or improper removal of tag or card	2,000	4,000
(f) Failure to stencil or track test information	2,500	5,000
232.305 Repair track air brake tests:		
(a) Failure to test in accord with required procedure	2,500	5,000
(b)–(d) Failure to perform test	2,500	5,000
232.307 Single car tests:		
(a) Failure to test in accord with required procedure	2,500	5,000
(b)–(c) Failure to perform test	2,500	5,000

Section	Violation	Willful violation
232.309 Repair track air brake test and single car test equipment and devices: (a)–(f) Failure to properly test or calibrate	2,500	5,000
Subpart E—End-of-Train Devices		
232.403 Design standards for one-way devices: (a)–(g) Failure to meet standards	2,500	5,000
232.405 Design standards for two-way devices: (a)–(i) Failure to meet standards	2,500	5,000
232.407 Operating requirements for two-way devices: (b) Failure to equip a train	5,000	7,500
(c) Improper purchase	2,500	5,000
(f)(1) Failure of device to be armed and operable	5,000	7,500
(f)(2) Insufficient battery charge	2,500	5,000
(f)(3) Failure to activate the device	2,500	5,000
(g) Improper handling of en route failure, freight or other non-passenger	5,000	7,500
(h) Improper handling of en route failure, passenger	5,000	7,500
232.409 Inspection and testing of devices: (a) Failure to have unique code	2,500	5,000
(b) Failure to compare quantitative values	2,500	5,000
(c) Failure to test emergency capability	5,000	7,500
(d) Failure to properly calibrate	2,500	5,000
Subpart F—Introduction of New Brake System Technology		
232.503 Process to introduce new technology: (b) Failure to obtain FRA approval	10,000	15,000
232.505 Pre-revenue service acceptance testing plan: (a) Failure to obtain FRA approval	5,000	7,500
(b) Failure to comply with plan	2,500	5,000
(f) Failure to test previously used technology	5,000	7,500
Subpart G—Electronically Controlled Pneumatic (ECP) Braking Systems		
232.603 Design, interoperability, and configuration management requirements: (a) Failure to meet minimum standards	7,500	11,000
(b) Using ECP brake equipment without approval	7,500	11,000
(c) Failure to adopt and comply with a proper configuration management plan	7,500	11,000
232.605 Training Requirements: (a) Failure to adopt and comply with a proper training, qualification, and designation program for employees that perform inspection, testing or maintenance	(¹)	(¹)
(b) Failure to amend operating rules	12,500	16,000
(c) Failure to adopt and comply with proper training criteria for locomotive engineers	12,500	16,000
232.607 Inspection and testing requirements: (a)(1), (b), (c)(1) Complete or partial failure to perform inspection	(¹)	(¹)
(a)(2) Complete or partial failure to perform pre-departure inspection	7,500	11,000
(c)(1)(iv), (c)(2) Failure to perform visual inspection on a car added en route	4,500	6,500
(d) Failure to perform inspection	(¹)	(¹)
(e)(1), (2) Failure to properly initialize the train	7,500	11,000
(e)(3) Failure to ensure identical consist and system information	7,500	11,000
(f)(1) Failure to apply a proper brake pipe service reduction	(¹)	(¹)
(f)(2) Failure to properly adhere to the proper piston travel ranges	(¹)	(¹)
(g)(1)–(4) Improperly located and guarded cable	7,500	11,000
(g)(5) Condition of cable and connections	7,500	11,000
232.609 Handling of defective equipment with ECP brake systems: (a) Failure to have proper percentage of operative brakes from Class I brake test	(¹)	(¹)
(b) Failure to prevent a car known to arrive with defective brakes to depart location where a Class I brake test is required	7,500	11,000
(c) Improper movement of a car equipped with conventional pneumatic brakes	7,500	11,000
(d) Operating with less than 85 percent operative brakes	(¹)	(¹)
(f)(2)(i) Improper placement of defective conventional brake equipment	(¹)	(¹)
(f)(2)(ii) Improper placement of defective ECP brake equipment	7,500	11,000
(g) Improper movement of defective stand-alone ECP brake equipment in a train operating with conventional pneumatic brakes	(¹)	(¹)
(h) Improper movement from initial terminal of stand-alone ECP brake equipment in a conventional brake operated train	(¹)	(¹)
(i) Failure to tag equipment	(¹)	(¹)
(j)(1) Failure to adopt and comply with procedures for the movement of defective equipment	7,500	11,000
(j)(2) Failure to submit list of ECP brake system repair locations	7,500	11,000
232.611 Periodic maintenance: (a) Failure to ensure the proper and safe condition of car	7,500	11,000
(b)–(d) Failure to perform test	7,500	11,000

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Section	Violation	Willful violation
232.613 End-of-train devices:		
(a) Failure to meet design standards for ECP-EOT devices	7,500	11,000
(b) Moving with an improper or improperly connected ECP-EOT device	9,500	13,000

¹A penalty may be assessed against an individual only for a willful violation. Generally when two or more violations of these regulations are discovered with respect to a single unit of equipment that is placed or continued in service by a railroad, the appropriate penalties set forth above are aggregated up to a maximum of \$25,000 per day. An exception to this rule is the \$15,000 penalty for willful violation of § 232.503 (failure to get FRA approval before introducing new technology) with respect to a single unit of equipment; if the unit has additional violative conditions, the penalty may routinely be aggregated to \$15,000. Although the penalties listed for failure to perform the brake inspections and tests under § 232.205 through § 232.209 may be assessed for each train that is not properly inspected, failure to perform any of the inspections and tests required under those sections will be treated as a violation separate and distinct from, and in addition to, any substantive violative conditions found on the equipment contained in the train consist. Moreover, the Administrator reserves the right to assess a penalty of up to \$105,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

Failure to observe any condition for movement of defective equipment set forth in § 232.15(a) will deprive the railroad of the benefit of the movement-for-repair provision and make the railroad and any responsible individuals liable for penalty under the particular regulatory section(s) concerning the substantive defect(s) present on the equipment at the time of movement.

Failure to provide any of the records or plans required by this part pursuant to § 232.19 will be considered a failure to maintain or develop the record or plan and will make the railroad liable for penalty under the particular regulatory section(s) concerning the retention or creation of the document involved.

Failure to properly perform any of the inspections specifically referenced in § 232.209, § 232.213, § 232.217, and subpart G may be assessed under each section of this part or this chapter, or both, that contains the requirements for performing the referenced inspection.

[66 FR 4193, Jan. 17, 2001, as amended at 69 FR 30594, May 28, 2004; 72 FR 51197, Sept. 6, 2007; 73 FR 61556, Oct. 16, 2008; 73 FR 79703, Dec. 30, 2008; 74 FR 15388, Apr. 6, 2009; 77 FR 24421, Apr. 24, 2012]

**APPENDIX B TO PART 232—PART 232
PRIOR TO MAY 31, 2001 AS CLARIFIED
EFFECTIVE APRIL 10, 2002**

**PART 232—RAILROAD POWER BRAKES
AND DRAWBARS**

Sec.

- 232.0 Applicability and penalties.
- 232.1 Power brakes; minimum percentage.
- 232.2 Drawbars; standard height.
- 232.3 Power brakes and appliances for operating power-brake systems.
- 232.10 General rules; locomotives.
- 232.11 Train air brake system tests.
- 232.12 Initial terminal road train airbrake tests.
- 232.13 Road train and intermediate terminal train air brake tests.
- 232.14 Inbound brake equipment inspection.
- 232.15 Double heading and helper service.
- 232.16 Running tests.
- 232.17 Freight and passenger train car brakes.
- 232.19 End of train device.

APPENDIX A TO PART 232

APPENDIX B TO PART 232

AUTHORITY: 45 U.S.C. 1, 3, 5, 6, 8–12, and 16, as amended; 45 U.S.C. 431, 438, as amended; 49 app. U.S.C. 1655(e), as amended; Pub. L. 100–342; and 49 CFR 1.49(c), (g), and (m).

I. PART 232 PRIOR TO MAY 31, 2001.

§ 232.0 Applicability and penalties.

(a) Except as provided in paragraph (b), this part applies to all standard gage railroads.

(b) This part does not apply to:

(1) A railroad that operates only on track inside an installation which is not part of the general railroad system of transportation; or

(2) Rapid transit operations in an urban area that are not connected with the general railroad system of transportation.

(c) As used in this part, carrier means “railroad,” as that term is defined below.

(d) Railroad means all forms of non-highway ground transportation that run on rails or electromagnetic guideways, including (1) commuter or other short-haul rail passenger service in a metropolitan or suburban area, and (2) high speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads. Such term does not include rapid transit operations within an urban area that are not connected to the general railroad system of transportation.

(e) Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least \$250 and not more than \$10,000 per violation, except that: Penalties may be assessed against individuals only for willful violations, and, where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed \$20,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense.